## **Amendments to the Claims**

This listing of claims will replace all prior versions, and listings, of claims in the application:

## <u>Listing of Claims</u>

1. (Currently Amended) A compound of lithium nickel cobalt metal oxide having a formula, LiaNi1-b-cCobMcO<sub>2</sub> LiaNi<sub>1-b-c</sub>Co<sub>b</sub>M<sub>c</sub>O<sub>2</sub>;

wherein  $0.97 \le a \le 1.05$ ,  $0.01 \le b \le 0.30$ ,  $0 \le c \le 0.10$ ;

wherein M is at least one metal selected from the group consisting of: manganese, aluminum, titanium, chromium, magnesium, calcium, vanadium, iron, and zirconium;

wherein said compound of lithium nickel cobalt metal oxide having a first (003) crystalline surface having a X-ray diffraction peak with an intensity of  $I_{003}$ ;

wherein said compound of lithium nickel cobalt metal oxide having a second (104) crystalline surface having an X-Ray diffraction peak with an intensity of  $I_{104}$ ; [[and]] wherein the ratio of said  $I_{003}/I_{104}$  is larger than 1.02; and wherein the ratio of the molar content of Li/(Li+Co+M) is between 1.01 and 1.10.

2. (Currently Amended) The compound of lithium nickel cobalt metal oxide of claim 1, further comprising:

crystalline granules having granule diameters between 0.5 µm and 4 µm; secondary granules having granule diameters between 10 µm and 40 µm; and wherein the volume of said [[small]] crystalline granules is less then 10% of the volume of said compound of lithium nickel cobalt metal oxide.

- 3. (Original) The compound of lithium nickel cobalt metal oxide of claim 2 wherein said secondary granules are formed by the aggregation of said crystalline granules during calcination.
- 4. (Original) The compound of lithium nickel cobalt metal oxide of claim 2 wherein said crystalline granules are either spherically or elliptically shaped and said secondary granules are either spherically or elliptically shaped.

5. (Currently Amended) A compound of lithium nickel cobalt metal oxide, comprising: crystalline granules having granule diameters between 0.5μm and 4μm; secondary granules having granule diameters between 10μm and 40μm; wherein said secondary granules are formed by the aggregation of said crystalline granules during calcination;

wherein said crystalline granules are either spherically or elliptically shaped; wherein said secondary granules are either spherically or elliptically shaped; wherein the volume of said [[small]] crystalline granules is less then 10% of the volume of said compound of lithium nickel cobalt metal oxide;

wherein said compound of lithium nickel cobalt having a formula  $\frac{\text{LiaNi1-b-cCobMeO}_2}{\text{Li}_a\text{Ni}_{1\text{-b-c}}\text{Co}_b\text{McO}_2}$ ;

wherein  $0.97 \le a \le 1.05$ ,  $0.01 \le b \le 0.30$ ,  $0 \le c \le 0.10$ ;

wherein M is at least one metal selected from the group consisting of: manganese, aluminum, titanium, chromium, magnesium, calcium, vanadium, iron, and zirconium;

wherein said compound of lithium nickel cobalt metal oxide having a first (003) crystalline surface having a X-ray diffraction peak with an intensity of  $I_{003}$ ;

wherein said compound of lithium nickel cobalt metal oxide having a second (104) crystalline surface having an X-Ray diffraction peak with an intensity of  $I_{104}$ ; [[and]] wherein the ratio of said  $I_{003}/I_{104}$  is larger than 1.02; and wherein the ratio of the molar content of Li/(Li+Co+M) is between 1.01 and 1.10.

6. (Withdrawn) The compound of lithium nickel cobalt metal oxide of claim 1, wherein a method for fabricating said compound of lithium nickel cobalt metal oxide comprising the steps of:

forming a cobalt nickel hydroxy compound having a chemical formula of Ni<sub>1-b</sub>Co<sub>b</sub>(OH)<sub>2</sub>; ballgrinding to evenly mix a lithium compound, a compound of said metal M, and said cobalt nickel hydroxy compound;

calcining said mixture in a first oxygen atmosphere at between 600°C and 720°C for 1 hour to 10 hours to obtained a first calcined compound;

calcining said first calcined compound in a second oxygen atmosphere at between 750°C and 900°C for 8 hours to 20 hours to obtain a second calcined compound;

cooling said second calcined compound;

ballgrinding said cooled second calcined compound to obtain ballgrinded compound; and sifting said ballgrinded compound to obtain said compound of lithium nickel cobalt metal oxide.

- 7. (Withdrawn) The fabrication method of claim 6 wherein said cobalt nickel hydroxy compound is spherically or elliptically shaped.
- 8. (Withdrawn) The fabrication method of claim 6, wherein said cobalt nickel hydroxy compound having  $D_{50}$  granule diameter,  $D_{10}$  granule diameter and  $D_{90}$  granule diameter;

wherein said  $D_{50}$  granule diameter  $\geq 8\mu m$ ;

wherein said  $D_{10}$  granule diameter  $\geq 4\mu m$ ; and

wherein said  $D_{90}$  granule diameter  $\leq 30 \mu m$ .

- 9. (Withdrawn) The fabrication method of claim 8, wherein said cobalt nickel hydroxy compound is spherically or elliptically shaped.
- 10. (Withdrawn) The fabrication method of claim 6, wherein the method for forming said cobalt nickel hydroxy compound comprises the following steps:

mixing uniformly cobalt sulfate and nickel sulfate to form a first solution; and adding ammonia to form a reaction solution wherein said first solution and ammonia react to form said cobalt nickel hydroxy compound.

11. (Withdrawn) The fabrication method of claim 10,

wherein said nickel sulfate having a concentration of between 1.5 mole/liter and 2 mole/liter;

wherein cobalt sulfate having a concentration of between 0.3 mole/liter and 0.5 mole/liter;

wherein said ammonia having a concentration of between 10 mole/liter and 14 mole/liter; wherein said reaction solution having a temperature of between 40°C and 60°C; wherein said reaction solution having a pH of between 11 and 12; and wherein said first solution and ammonia react for between 9 hours and 12 hours to form said cobalt nickel hydroxy compound.

12. (Withdrawn) The fabrication method of claim 10, wherein said cobalt nickel hydroxy compound having  $D_{50}$  granule diameter,  $D_{10}$  granule diameter and  $D_{90}$  granule diameter;

wherein said  $D_{50}$  granule diameter  $\geq 8\mu m$ ;

wherein said  $D_{10}$  granule diameter  $\geq 4\mu m$ ; and

wherein said  $D_{90}$  granule diameter  $\leq 30 \mu m$ .

- 13. (Withdrawn) The fabrication method of claim 10, wherein said cobalt nickel hydroxy compound is spherically or elliptically shaped.
- 14. (Withdrawn) The fabrication method of claim 11,

wherein said cobalt nickel hydroxy compound having  $D_{50}$  granule diameter,  $D_{10}$  granule diameter and  $D_{90}$  granule diameter;

wherein said  $D_{50}$  granule diameter  $\geq 8\mu m$ ;

wherein said  $D_{10}$  granule diameter  $\geq 4\mu m$ ;

wherein said  $D_{90}$  granule diameter  $\leq 30 \mu m$ ; and

wherein said cobalt nickel hydroxy compound is spherically or elliptically shaped.

15. (Withdrawn) The fabrication method of claim 6 wherein said first oxygen atmosphere and said second oxygen atmosphere are between 0.08MPa and 0.1MPa.

- 16. (Withdrawn) The fabrication method of claim 6 wherein the ratio of the molar content of Li/(Li+Co+M) is between 1.01 and 1.10.
- 17. (Withdrawn) The fabrication method of claim 6 wherein said mixture having a thickness  $\leq 5$  cm. and said first calcined compound having a thickness  $\leq 5$  cm.
- 18. (Withdrawn) The fabrication method of claim 6 wherein in said cooling step, the second calcined compound is cooled rapidly in dry air;
- 19. (Withdrawn) The fabrication method of claim 15,
  wherein the ratio of the molar content of Li/(Li+Co+M) is between 1.01 and 1.10;
  wherein said mixture having a thickness ≤5 cm. and said first calcined compound having a thickness ≤ 5 cm; and
  - wherein in said cooling step, the second calcined compound is cooled rapidly in dry air.
- 20. (Withdrawn) The fabrication method of claim 11,wherein said first oxygen atmosphere and said second oxygen atmosphere are between0.08MPa and 0.1Mpa;

wherein the ratio of the molar content of Li/(Li+Co+M) is between 1.01 and 1.10; wherein said mixture having a thickness  $\leq$ 5 cm. and said first calcined compound having a thickness  $\leq$  5 cm; and

wherein in said cooling step, the second calcined compound is cooled rapidly in dry air.